

AMENDED IN ASSEMBLY JUNE 12, 2014

SENATE BILL

No. 853

Introduced by Committee on Budget and Fiscal Review

January 9, 2014

An act relating to the Budget Act of 2014. An act to amend Section 21602 of the Public Utilities Code, to amend Section 8352.6 of the Revenue and Taxation Code, to amend Sections 188.8 and 2384 of the Streets and Highways Code, and to amend Sections 5205.5 and 12801 of the Vehicle Code, relating to transportation, and making an appropriation therefor; to take effect immediately, bill related to the budget.

LEGISLATIVE COUNSEL'S DIGEST

SB 853, as amended, Committee on Budget and Fiscal Review.
~~Budget Act of 2014. Transportation.~~

(1) Existing law establishes the Aeronautics Account in the State Transportation Fund, and continuously appropriates the moneys in the account for expenditure for airport purposes by the Division of Aeronautics within the Department of Transportation and the California Transportation Commission. Existing law establishes the California Aid to Airports Program, under which the department provides grants to political subdivisions for the planning, acquisition, construction, improvement, maintenance, or operation of a publicly owned airport, and to cities or counties on behalf of any privately owned, public use airport, as specified.

Existing law establishes a subaccount, referred to by the Department of Finance as the Local Airport Loan Account, in the Aeronautics Account in the State Transportation Fund for the management of funds for loans to local entities for airport purposes and requires that all

funds for airport loans in the Special Deposit Fund be transferred to the subaccount. Existing law requires the department, with the approval of the Department of Finance, to deposit in the subaccount all money received by the department from repayments of, and interest on, existing and future airport loans, and authorizes, upon appropriation, the transfer of additional funds from the Aeronautics Account in the State Transportation Fund to the subaccount as the department deems appropriate.

This bill would authorize, upon a determination by the department that the balance in the subaccount exceeds projected needs, the transfer of funds from the subaccount to the Aeronautics Account to fund the California Aid to Airports Program with the approval of the California Transportation Commission and the Department of Finance. The bill would require that the transfers not reduce the subaccount below \$5,000,000.

By authorizing the transfer of moneys into a continuously appropriated fund, the bill would make an appropriation.

(2) Existing law requires certain moneys attributable to taxes imposed upon distribution of motor vehicle fuel related to specified off-highway motor vehicles and off-highway vehicle activities to be transferred monthly from the Motor Vehicle Fuel Account to the Off-Highway Vehicle Trust Fund according to a specified calculation that the Department of Transportation, in cooperation with the Department of Parks and Recreation and the Department of Motor Vehicles, is authorized to adjust every 5 years, starting in the 2013–14 fiscal year, taking into account specified factors.

This bill would require, in the 2014–15 fiscal year, the Department of Transportation, in consultation with the Department of Parks and Recreation and the Department of Motor Vehicles, to undertake a study to determine the appropriate adjustment to the amount of money transferred from the fuel account to the fund and to update the estimate of the amount of money attributable to taxes imposed upon distribution of motor vehicle fuel related to specified off-highway motor vehicles and off-highway vehicle activities. The bill would require the department to provide the study to the Legislature no later than January 1, 2016.

(3) Existing law establishes the state transportation improvement program process, pursuant to which the California Transportation Commission generally programs and allocates available funds for transportation capital improvement projects over a multiyear period. Existing law provides funding for interregional and regional

transportation capital improvement projects through the state transportation improvement program process, with 25% of funds available for interregional projects selected by the Department of Transportation and 75% for regional projects selected by transportation planning agencies. Existing law requires funds available for regional projects to be programmed by the commission pursuant to the county shares formula, under which a certain amount of funding is available for programming in each county. Existing law specifies the project costs to be charged against county shares in that regard. If the final estimate is greater than 120% or less than 80% of the amount originally programmed for right-of-way costs, existing law requires the amount to be adjusted at the time of right-of-way certification. Existing law prohibits project costs shown in the state transportation improvement program from being changed to reflect certain costs, including actual right-of-way purchase costs.

This bill would instead prohibit project costs shown in the state transportation improvement program from being changed to reflect differences that are within 20% of the amount reported at the time of allocation for actual right-of-way costs at the time of acceptance of a project construction contract.

(4) Existing law creates the Active Transportation Program in the Department of Transportation, which combines various bicycle, pedestrian, and other nonmotorized transportation programs into a single program. Existing law provides for funds to be allocated to projects in the program by the California Transportation Commission. Existing law requires the commission to adopt guidelines for an initial program of projects by March 26, 2014, with future programs of projects to be adopted by April 1 of each odd-numbered year, or, alternatively, on an annual basis. Existing law provides for the initial program of projects to cover a period of 2 years, with each subsequent program of projects to cover a period of 4 years.

This bill would require the commission to adopt the 2015 program of projects by December 31, 2015.

(5) Existing federal law, until September 30, 2017, authorizes a state to allow specified labeled vehicles to use lanes designated for high-occupancy vehicles (HOVs). Existing law authorizes the Department of Transportation to designate certain lanes for the exclusive use of HOVs. Under existing law, until January 1, 2019, or until federal authorization expires, or until the Secretary of State receives a specified notice, those lanes may be used by certain vehicles

not carrying the requisite number of passengers otherwise required for the use of an HOV lane, if the vehicle displays a valid identifier issued by the Department of Motor Vehicles (DMV). Existing law authorizes the DMV to issue no more than 40,000 of those identifiers.

This bill would increase the number of those identifiers that the DMV is authorized to issue to 55,000.

(6) Existing law generally requires an application for a driver's license to contain the applicant's social security account number. Existing law also authorizes a driver's license to be issued to an applicant who is ineligible for a social security account number but who provides satisfactory proof that his or her presence in the United States is authorized under federal law. Existing law, effective January 1, 2015, or on the date that the Director of Motor Vehicles executes a specified declaration, whichever is sooner, authorizes the issuance of a driver's license to an applicant who is unable to provide satisfactory proof that his or her presence in the United States is authorized under federal law if the applicant submits an affidavit attesting that he or she is both ineligible for a social security account number and unable to submit proof of authorized presence in the United States.

This bill would delete the requirement for an affidavit for an applicant who is unable to submit proof of authorized presence in the United States, and would instead authorize the issuance of a driver's license to such an applicant who indicates in his or her license application, as prescribed by the department, that the applicant has never been issued a social security account number and is not presently eligible for a social security account number.

(7) Existing law, the Outdoor Advertising Act, provides for the regulation by the Department of Transportation of advertising displays, as defined, within view of public highways.

This bill would require the Department of Transportation to report, by January 10, 2015, to the budget and appropriate policy committees of both houses of the Legislature on the subject of advertising on electronic changeable message signs on the state highway system, and on the feasibility of a pilot project in that regard, including estimates of revenue.

(8) Existing law gives the County of Fresno until June 30, 2015, to meet the maintenance of effort requirement associated with its receipt of streets and roads funds from gasoline sales tax revenues in the Transportation Investment Fund in the 2009–10 fiscal year. Under the maintenance of effort requirement applicable to this now-repealed

source of revenues, a city or county was required to maintain annual streets and roads expenditures from its general fund equal to the annual average of its expenditures from that source during the 1996–97, 1997–98, and 1998–99 fiscal years. If a city or county failed to comply with the maintenance of effort requirement in a particular fiscal year, existing law provided that it could alternatively comply by expending in that year and the following fiscal year a combined total amount that is not less than the amount otherwise required to be expended in the 2 fiscal years.

This bill would give the County of Fresno 5 additional years, until June 30, 2020, to meet this maintenance of effort requirement for the 2009–10 fiscal year, as long as it continues to provide medical services to indigent individuals and undocumented individuals consistent with the eligibility and benefit levels in effect in the 2013–14 fiscal year.

This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Fresno.

(9) Existing law establishes in the State Transportation Fund the Motor Vehicle Account, which generally consists of regulatory fees and penalty revenues collected under the Vehicle Code, and requires that moneys in the account that are appropriated for the support of or expenditure by the Department of Motor Vehicles or the Department of the California Highway Patrol be used for carrying out provisions of the Vehicle Code and enforcing any other laws relating to vehicles or the use of highways.

This bill would appropriate the sum of \$4,934,000 from the Motor Vehicle Account to the Department of the California Highway Patrol to conduct a pilot project to replace 12 dispatch radio consoles at 2 California Highway Patrol communication centers.

(10) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

~~*This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2014.*~~

Vote: majority. Appropriation: ~~no~~-yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 21602 of the Public Utilities Code is*
2 *amended to read:*

1 21602. (a) Subject to the terms and within the limits of special
2 appropriations made by the Legislature, the department may render
3 financial assistance by grant or loan, or both, to political
4 subdivisions jointly, in the planning, acquisition, construction,
5 improvement, maintenance, or operation of an airport owned or
6 controlled, or to be owned or controlled, by a political subdivision
7 or subdivisions, if the financial assistance has been shown by public
8 hearing to be appropriate to the proper development or maintenance
9 of a statewide system of airports. Financial assistance may be
10 furnished in connection with federal or other financial aid for the
11 same purpose.

12 (b) Notwithstanding subdivision (a) of Section 21681, a city or
13 county designated by the Airport Land Use Commission is eligible
14 to compete for funds held in the Aeronautics Account in the State
15 Transportation Fund on behalf of any privately owned, public use
16 airport that is included in an airport land use compatibility plan.
17 However, the city or county shall be eligible to compete for the
18 funds only when zoning on the parcel is tantamount to a taking of
19 all reasonable uses that might otherwise be permitted on the parcel.
20 The eligible airport and aviation purposes are limited to those
21 specified in paragraphs (4), (5), (6), (9), and (14) of subdivision
22 (f) of Section 21681, and, further, any capital improvements or
23 acquisitions shall become the property of the designated city or
24 county. Matching funds pursuant to subdivision (a) of Section
25 21684 may include the in-kind contribution of real property, with
26 the approval of the department.

27 (c) Any grant of funds held in the Aeronautics Account in the
28 State Transportation Fund on behalf of any privately owned airports
29 shall contain a covenant that the airport remain open for public
30 use for 20 years. Any grant made to a city or county on behalf of
31 a privately owned airport shall contain a payback provision based
32 upon existing market value at the time the private airport ceases
33 to be open for public use.

34 (d) Upon request, California Aid to Airports Program (CAAP)
35 projects included within the adopted Aeronautics Program, may
36 be funded in advance of the year programmed, with the concurrence
37 of the department, in order to better utilize funds in the account.

38 (e) There is, in the Aeronautics Account in the State
39 Transportation Fund, ~~a subaccount~~ *subaccount, the Local Airport*
40 *Loan Account*, for the management of funds for loans to local

1 entities pursuant to this chapter. All funds for airport loans in the
 2 Special Deposit Fund are hereby transferred to the subaccount.
 3 With the approval of the Department of Finance, the department
 4 shall deposit in the subaccount all money received by the
 5 department from repayments ~~of~~ of, and interest ~~on~~ on, existing and
 6 future airport loans, including, but not limited to, the sums of five
 7 hundred forty thousand dollars (\$540,000) in repayments from the
 8 General Fund due in July 1987, and July 1988, and may, upon
 9 appropriation, transfer additional funds from the Aeronautics
 10 Account in the State Transportation Fund to the subaccount as the
 11 department deems appropriate. Interest on money in the subaccount
 12 shall be credited to the subaccount as it accrues.

13 (f) (1) Notwithstanding *subdivision (a) of* Section 13340 of
 14 the Government Code, the money in the subaccount created by
 15 subdivision (e) is hereby continuously appropriated to the
 16 department without regard to fiscal years for purposes of loans to
 17 political subdivisions for airport purposes.

18 (2) *Upon a determination by the department that the balance*
 19 *in the subaccount exceeds projected needs, funds in the subaccount*
 20 *may be transferred by the department to the Aeronautics Account*
 21 *to fund the California Aid to Airports Program with the approval*
 22 *of the California Transportation Commission and the Department*
 23 *of Finance. The transfers shall not reduce the amount of funds in*
 24 *the subaccount below five million dollars (\$5,000,000).*

25 SEC. 2. Section 8352.6 of the Revenue and Taxation Code is
 26 amended to read:

27 8352.6. (a) (1) Subject to Section 8352.1, and except as
 28 otherwise provided in paragraphs (2) and (3), on the first day of
 29 every month, there shall be transferred from moneys deposited to
 30 the credit of the Motor Vehicle Fuel Account to the Off-Highway
 31 Vehicle Trust Fund created by Section 38225 of the Vehicle Code
 32 an amount attributable to taxes imposed upon distributions of motor
 33 vehicle fuel used in the operation of motor vehicles off highway
 34 and for which a refund has not been claimed. Transfers made
 35 pursuant to this section shall be made prior to transfers pursuant
 36 to Section 8352.2.

37 (2) Commencing July 1, 2012, the revenues attributable to the
 38 taxes imposed pursuant to subdivision (b) of Section 7360 and
 39 Section 7361.1 and otherwise to be deposited in the Off-Highway
 40 Vehicle Trust Fund pursuant to paragraph (1) shall instead be

1 transferred to the General Fund. The revenues attributable to the
2 taxes imposed pursuant to subdivision (b) of Section 7360 and
3 Section 7361.1 that were deposited in the Off-Highway Vehicle
4 Trust Fund in the 2010–11 and 2011–12 fiscal years shall be
5 transferred to the General Fund.

6 (3) The Controller shall withhold eight hundred thirty-three
7 thousand dollars (\$833,000) from the monthly transfer to the
8 Off-Highway Vehicle Trust Fund pursuant to paragraph (1), and
9 transfer that amount to the General Fund.

10 (b) The amount transferred to the Off-Highway Vehicle Trust
11 Fund pursuant to paragraph (1) of subdivision (a), as a percentage
12 of the Motor Vehicle Fuel Account, shall be equal to the percentage
13 transferred in the 2006–07 fiscal year. Every five years, starting
14 in the 2013–14 fiscal year, the percentage transferred may be
15 adjusted by the Department of Transportation in cooperation with
16 the Department of Parks and Recreation and the Department of
17 Motor Vehicles. Adjustments shall be based on, but not limited
18 to, the changes in the following factors since the 2006–07 fiscal
19 year or the last adjustment, whichever is more recent:

20 (1) The number of vehicles registered as off-highway motor
21 vehicles as required by Division 16.5 (commencing with Section
22 38000) of the Vehicle Code.

23 (2) The number of registered street-legal vehicles that are
24 anticipated to be used off highway, including four-wheel drive
25 vehicles, all-wheel drive vehicles, and dual-sport motorcycles.

26 (3) Attendance at the state vehicular recreation areas.

27 (4) Off-highway recreation use on federal lands as indicated by
28 the United States Forest Service's National Visitor Use Monitoring
29 and the United States Bureau of Land Management's Recreation
30 Management Information System.

31 (c) It is the intent of the Legislature that transfers from the Motor
32 Vehicle Fuel Account to the Off-Highway Vehicle Trust Fund
33 should reflect the full range of motorized vehicle use off highway
34 for both motorized recreation and motorized off-road access to
35 other recreation opportunities. Therefore, the Legislature finds that
36 the fuel tax baseline established in subdivision (b), attributable to
37 off-highway estimates of use as of the 2006–07 fiscal year,
38 accounts for the three categories of vehicles that have been found
39 over the years to be users of fuel for off-highway motorized
40 recreation or motorized access to nonmotorized recreational

1 pursuits. These three categories are registered off-highway
2 motorized vehicles, registered street-legal motorized vehicles used
3 off highway, and unregistered off-highway motorized vehicles.

4 (d) It is the intent of the Legislature that the off-highway motor
5 vehicle recreational use to be determined by the Department of
6 Transportation pursuant to paragraph (2) of subdivision (b) be that
7 usage by vehicles subject to registration under Division 3
8 (commencing with Section 4000) of the Vehicle Code, for
9 recreation or the pursuit of recreation on surfaces where the use
10 of vehicles registered under Division 16.5 (commencing with
11 Section 38000) of the Vehicle Code may occur.

12 (e) *In the 2014–15 fiscal year, the Department of*
13 *Transportation, in consultation with the Department of Parks and*
14 *Recreation and the Department of Motor Vehicles, shall undertake*
15 *a study to determine the appropriate adjustment to the amount*
16 *transferred pursuant to subdivision (b) and to update the estimate*
17 *of the amount attributable to taxes imposed upon distributions of*
18 *motor vehicle fuel used in the operation of motor vehicles off*
19 *highway and for which a refund has not been claimed. The*
20 *department shall provide a copy of this study to the Legislature*
21 *no later than January 1, 2016.*

22 SEC. 3. *Section 188.8 of the Streets and Highways Code is*
23 *amended to read:*

24 188.8. (a) From the funds programmed pursuant to Section
25 188 for regional improvement projects, the commission shall
26 approve programs and program amendments, so that funding is
27 distributed to each county of County Group No. 1 and in each
28 county of County Group No. 2 during the county share periods
29 commencing July 1, 1997, and ending June 30, 2004, and each
30 period of four years thereafter. The amount shall be computed as
31 follows:

32 (1) The commission shall compute, for the county share periods
33 all of the money to be expended for regional improvement projects
34 in County Groups Nos. 1 and 2, respectively, as provided in Section
35 188.

36 (2) From the amount computed for County Group No. 1 in
37 paragraph (1) for the county share periods the commission shall
38 determine the amount of programming for each county in the group
39 based on a formula that is based 75 percent on the population of
40 the county to the total population of County Group No. 1 and 25

1 percent on state highway miles in the county to the total state
2 highway miles in County Group No. 1.

3 (3) From the amount computed for County Group No. 2 in
4 paragraph (1) for the county share periods the commission shall
5 determine the amount of programming for each county in the group
6 based on a formula that is based 75 percent on the population of
7 the county to the total population of County Group No. 2 and 25
8 percent on state highway miles in the county to the total state
9 highway miles in County Group No. 2.

10 (b) Notwithstanding subdivision (a), that portion of the county
11 population and state highway mileage in El Dorado and Placer
12 Counties that is included within the jurisdiction of the Tahoe
13 Regional Planning Agency shall be counted separately toward the
14 area under the jurisdiction of the Tahoe Regional Transportation
15 Agency and may not be included in El Dorado and Placer Counties.
16 The commission shall approve programs, program amendments,
17 and fund reservations for the area under the jurisdiction of the
18 Tahoe Regional Transportation Agency that shall be calculated
19 using the formula described in paragraph (2) of subdivision (a).

20 (c) A transportation planning agency designated pursuant to
21 Section 29532 of the Government Code, or a county transportation
22 commission created by Division 12 (commencing with Section
23 130000) of the Public Utilities Code, may adopt a resolution to
24 pool its county share programming with any county or counties
25 adopting similar resolutions to consolidate its county shares for
26 two consecutive county share periods into a single share covering
27 both periods. A multicounty transportation planning agency with
28 a population of less than three million may also adopt a resolution
29 to pool the share of any county or counties within its region. The
30 resolution shall provide for pooling the county share programming
31 in any of the pooling counties for the new single share period and
32 shall be submitted to the commission not later than May 1
33 immediately preceding the commencement of the county share
34 period.

35 (d) For the purposes of this section, funds programmed shall
36 include the following costs pursuant to subdivision (b) of Section
37 14529 of the Government Code:

38 (1) The amounts programmed or budgeted for both components
39 of project development in the original programmed year.

1 (2) The amount programmed for right-of-way and right-of-way
2 support costs in the year programmed in the most recent state
3 transportation improvement program. If the final estimate is greater
4 than 120 percent or less than 80 percent of the amount originally
5 programmed, the amount shall be adjusted for final expenditure
6 estimates at the time of right-of-way certification.

7 (3) The engineer's final estimate of project costs, including
8 construction support, presented to the commission for approval
9 pursuant to Section 14533 of the Government Code in the year
10 programmed in the most recent state transportation improvement
11 program. If the construction contract award amount is less than
12 80 percent of the engineer's final estimate, excluding construction
13 support, the department shall notify the commission and the
14 commission may adjust its project allocation accordingly.

15 (4) Project costs shown in the program, as amended, where
16 project allocations have not yet been approved by the commission,
17 escalated to the date of scheduled project delivery.

18 (e) Project costs shown in the program may not be changed to
19 reflect any of the following:

20 (1) Differences that are within 20 percent of the amount
21 programmed for actual project development cost.

22 (2) ~~Actual Differences that are within 20 percent of the amount~~
23 ~~reported at the time of allocation pursuant to paragraph (2) of~~
24 ~~subdivision (d) for actual right-of-way purchase costs; costs~~
25 ~~calculated at the time of acceptance of a project construction~~
26 ~~contract.~~

27 (3) Construction contract award amounts, except when those
28 amounts are less than 80 percent of the engineer's final estimate,
29 excluding construction support, and the commission has adjusted
30 the project construction allocation.

31 (4) Changes in construction expenditures, except for
32 supplemental project allocations made by the commission,
33 including supplemental allocations made pursuant to subdivision
34 (b) of Section 188.9.

35 (f) For the purposes of this section, the population in each county
36 is that determined by the last preceding federal census, or a
37 subsequent census validated by the Population Research Unit of
38 the Department of Finance, at the beginning of each county share
39 period.

1 (g) For the purposes of this section, “state highway miles” means
2 the miles of state highways open to vehicular traffic at the
3 beginning of each county share period.

4 (h) It is the intent of the Legislature that there is to be flexibility
5 in programming under this section and Section 188 so that, while
6 ensuring that each county will receive an equitable share of state
7 transportation improvement program funding, the types of projects
8 selected and the programs from which they are funded may vary
9 from county to county.

10 (i) Commencing with the four-year period commencing on July
11 1, 2004, individual county share shortfalls and surpluses at the end
12 of each four-year period, if any, shall be carried forward and
13 credited or debited to the following four years.

14 (j) The commission, with the consent of the department, may
15 consider programming projects in the state transportation
16 improvement program in a county with a population of not more
17 than 1,000,000 at a level higher or lower than the county share,
18 when the regional agency either asks to reserve part or all of the
19 county’s share until a future programming year, to build up a larger
20 share for a higher cost project, or asks to advance an amount of
21 the share, in an amount not to exceed 200 percent of the county’s
22 current share, for a larger project, to be deducted from shares for
23 future programming years. After consulting with the department,
24 the commission may adjust the level of programming in the
25 regional program in the affected region against the level of
26 interregional programming in the improvement program to
27 accomplish the reservation or advancement, for the current state
28 transportation improvement program. The commission shall keep
29 track of any resulting shortfalls or surpluses in county shares.

30 (k) Notwithstanding subdivision (a), in a region defined by
31 Section 66502 of the Government Code, the transportation planning
32 agency may adopt a resolution to pool the county share of any
33 county or counties within the region, if each county receives no
34 less than 85 percent and not more than 115 percent of its county
35 share for a single county share period and 100 percent of its county
36 share over two consecutive county share periods. The resolution
37 shall be submitted to the commission not later than May 1,
38 immediately preceding the commencement of the county share
39 period.

1 (l) Federal funds used for federal demonstration projects that
2 use federal obligational authority otherwise available for other
3 projects shall be subtracted from the county share of the county
4 where the project is located.

5 *SEC. 4. Section 2384 of the Streets and Highways Code is*
6 *amended to read:*

7 2384. The commission shall adopt a program of projects to
8 receive allocations under this chapter. The guidelines for an initial
9 two-year program of projects shall be adopted within six months
10 of the enactment of the act enacting this section. The commission
11 shall adopt *the 2015 program of projects no later than December*
12 *31, 2015, and shall adopt* each subsequent program not later than
13 April 1 of each odd-numbered year, but may alternatively elect to
14 adopt a program annually. Each *subsequent* program shall cover
15 a period of four fiscal years, beginning July 1 of the year of
16 adoption, and shall be a statement of intent by the commission for
17 the allocation or expenditure of funds during those four fiscal
18 years. The commission shall form a multidisciplinary advisory
19 group to assist it in evaluating project applications.

20 *SEC. 5. Section 5205.5 of the Vehicle Code is amended to read:*

21 5205.5. (a) For purposes of implementing Section 21655.9,
22 the department shall make available for issuance, for a fee
23 determined by the department to be sufficient to reimburse the
24 department for the actual costs incurred pursuant to this section,
25 distinctive decals, labels, and other identifiers that clearly
26 distinguish the following vehicles from other vehicles:

27 (1) A vehicle that meets California's super ultra-low emission
28 vehicle (SULEV) standard for exhaust emissions and the federal
29 inherently low-emission vehicle (ILEV) evaporative emission
30 standard, as defined in Part 88 (commencing with Section
31 88.101-94) of Title 40 of the Code of Federal Regulations.

32 (2) A vehicle that was produced during the 2004 model-year or
33 earlier and meets California ultra-low emission vehicle (ULEV)
34 standard for exhaust emissions and the federal ILEV standard.

35 (3) A vehicle that meets California's enhanced advanced
36 technology partial zero-emission vehicle (enhanced AT PZEV)
37 standard or transitional zero-emission vehicle (TZEV) standard.

38 (b) The department shall include a summary of the provisions
39 of this section on each motor vehicle registration renewal notice,

1 or on a separate insert, if space is available and the summary can
2 be included without incurring additional printing or postage costs.

3 (c) The Department of Transportation shall remove individual
4 HOV lanes, or portions of those lanes, during periods of peak
5 congestion from the access provisions provided in subdivision (a),
6 following a finding by the Department of Transportation as follows:

7 (1) The lane, or portion thereof, exceeds a level of service C,
8 as discussed in subdivision (b) of Section 65089 of the Government
9 Code.

10 (2) The operation or projected operation of the vehicles
11 described in subdivision (a) in these lanes, or portions thereof, will
12 significantly increase congestion.

13 (3) The finding shall also demonstrate the infeasibility of
14 alleviating the congestion by other means, including, but not
15 limited to, reducing the use of the lane by noneligible vehicles or
16 further increasing vehicle occupancy.

17 (d) The State Air Resources Board shall publish and maintain
18 a listing of all vehicles eligible for participation in the programs
19 described in this section. The board shall provide that listing to
20 the department.

21 (e) (1) For purposes of subdivision (a), the Department of the
22 California Highway Patrol and the department, in consultation
23 with the Department of Transportation, shall design and specify
24 the placement of the decal, label, or other identifier on the vehicle.
25 Each decal, label, or other identifier issued for a vehicle shall
26 display a unique number, which number shall be printed on, or
27 affixed to, the vehicle registration.

28 (2) Decals, labels, or other identifiers designed pursuant to this
29 subdivision for a vehicle described in paragraph (3) of subdivision
30 (a) shall be distinguishable from the decals, labels, or other
31 identifiers that are designed for vehicles described in paragraphs
32 (1) and (2) of subdivision (a).

33 (f) (1) Except as provided in paragraph (2), for purposes of
34 paragraph (3) of subdivision (a), the department shall issue no
35 more than ~~40,000~~ 55,000 distinctive decals, labels, or other
36 identifiers that clearly distinguish a vehicle specified in paragraph
37 (3) of subdivision (a).

38 (2) The department may issue a decal, label, or other identifier
39 for a vehicle that satisfies all of the following conditions:

1 (A) The vehicle is of a type identified in paragraph (3) of
2 subdivision (a).

3 (B) The owner of the vehicle is the owner of a vehicle for which
4 a decal, label, or other identifier described in paragraph (1) was
5 previously issued and that vehicle for which the decal, label, or
6 other identifier was previously issued is determined by the
7 department, on the basis of satisfactory proof submitted by the
8 owner to the department, to be a nonrepairable vehicle or a total
9 loss salvage vehicle.

10 (C) The owner of the vehicle applied for a decal, label, or other
11 identifier pursuant to this paragraph within six months of the date
12 on which the vehicle for which a decal, label, or other identifier
13 was previously issued is declared to be a nonrepairable vehicle or
14 a total loss salvage vehicle.

15 (g) If the Metropolitan Transportation Commission, serving as
16 the Bay Area Toll Authority, grants toll-free and reduced-rate
17 passage on toll bridges under its jurisdiction to a vehicle pursuant
18 to Section 30102.5 of the Streets and Highways Code, it shall also
19 grant the same toll-free and reduced-rate passage to a vehicle
20 displaying an identifier issued by the department pursuant to
21 paragraph (1) or (2) of subdivision (a).

22 (h) (1) Notwithstanding Section 21655.9, and except as
23 provided in paragraph (2), a vehicle described in subdivision (a)
24 that displays a decal, label, or identifier issued pursuant to this
25 section shall be exempt from toll charges imposed on
26 single-occupant vehicles in high-occupancy toll lanes as described
27 in Section 149.7 of the Streets and Highways Code unless
28 prohibited by federal law.

29 (2) (A) Paragraph (1) does not apply to the imposition of a toll
30 imposed for passage on a toll road or toll highway, that is not a
31 high-occupancy toll lane as described in Section 149.7 of the
32 Streets and Highways Code.

33 (B) On or before March 1, 2014, paragraph (1) does not apply
34 to the imposition of a toll imposed for passage in lanes designated
35 for tolls pursuant to the federally supported value pricing and
36 transit development demonstration program operated pursuant to
37 Section 149.9 of the Streets and Highways Code for State Highway
38 Route 10 or 110.

39 (C) Paragraph (1) does not apply to the imposition of a toll
40 charged for crossing a state-owned bridge.

(i) If the Director of Transportation determines that federal law does not authorize the state to allow vehicles that are identified by distinctive decals, labels, or other identifiers on vehicles described in subdivision (a) to use highway lanes or highway access ramps for high-occupancy vehicles regardless of vehicle occupancy, the Director of Transportation shall submit a notice of that determination to the Secretary of State.

(j) This section shall become inoperative on January 1, 2019, or the date the federal authorization pursuant to Section 166 of Title 23 of the United States Code expires, or the date the Secretary of State receives the notice described in subdivision (i), whichever occurs first, and, as of January 1, 2019, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2019, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 6. Section 12801 of the Vehicle Code, as added by Section 10 of Chapter 524 of the Statutes of 2013, is amended to read:

12801. (a) Except as provided in subdivisions (b) and (c) and Section 12801.9, the department shall require an application for a driver's license to contain the applicant's social security account number and any other number or identifier determined to be appropriate by the department.

(b) An applicant who provides satisfactory proof that his or her presence in the United States is authorized under federal law, but who is not eligible for a social security account number, is eligible to receive an original driver's license if he or she meets all other qualifications for licensure.

(c) (1) ~~An applicant applying for a driver's license under Section 12801.9, who has never been issued a social security account number and is unable to provide satisfactory proof that his not presently eligible for a social security account number, shall satisfy the requirements of this section if he or her presence she indicates in the United States is authorized under federal law may sign an affidavit attesting application described in Section 12800, in the manner prescribed by the department, that he or she is both ineligible for has never been issued a social security account number and unable to submit satisfactory proof that his or her presence in the United States is authorized under federal law. This affidavit is not presently eligible for a public record. social security account number.~~

1 ~~(2) The submission of this affidavit shall be accepted by the~~
2 ~~department in lieu of a social security account number.~~

3 ~~(3)~~

4 (2) This subdivision shall not apply to applications for a
5 commercial driver's license. The department shall require all
6 applications for a commercial driver's license to include the
7 applicant's social security account number.

8 ~~(4)~~

9 (3) Nothing in this section shall be used to consider an
10 individual's citizenship or immigration status as a basis for a
11 criminal investigation, arrest, or detention.

12 (d) The department shall not complete an application for a
13 driver's license unless the applicant is in compliance with the
14 requirements of subdivision (a), (b) or (c).

15 (e) Notwithstanding any other law, the social security account
16 number collected on a driver's license application shall not be
17 displayed on the driver's license including, but not limited to,
18 inclusion on a magnetic tape or strip used to store data on the
19 license.

20 (f) This section shall become operative on January 1, 2015, or
21 on the date that the director executes a declaration pursuant to
22 Section 12801.11, whichever is sooner.

23 (g) This section shall become inoperative on the effective date
24 of a final judicial determination made by any court of appellate
25 jurisdiction that any provision of the act that added this section,
26 or its application, either in whole or in part, is enjoined, found
27 unconstitutional, or held invalid for any reason. The department
28 shall post this information on its Internet Web site.

29 *SEC. 7. On or before January 10, 2015, the Department of*
30 *Transportation shall prepare a report on advertising on electronic*
31 *changeable message signs on the state highway system, and on*
32 *the feasibility of a pilot project in that regard, including estimates*
33 *of revenue. The report shall be submitted to the budget and*
34 *appropriate policy committees of both houses of the Legislature.*
35 *Pursuant to Section 10231.5 of the Government Code, this section*
36 *shall become inoperative four years after the effective date of this*
37 *act.*

38 *SEC. 8. (a) Notwithstanding subdivision (f) of Section 7104.2*
39 *of the Revenue and Taxation Code or any other provision of law,*
40 *the County of Fresno shall have until June 30, 2020, to meet the*

1 maintenance of effort requirement applicable to counties in order
2 to receive a streets and roads allocation from the Transportation
3 Investment Fund for the 2009–10 fiscal year, as long as the County
4 of Fresno continues to provide medical services to indigent
5 individuals and undocumented individuals consistent with the
6 eligibility and benefit provisions in effect in the 2013–14 fiscal
7 year.

8 (b) The Legislature finds and declares that a special law is
9 necessary and that a general law cannot be made applicable within
10 the meaning of Section 16 of Article IV of the California
11 Constitution because of the unique transportation funding needs
12 in the County of Fresno.

13 SEC. 9. The sum of four million nine hundred thirty four
14 thousand dollars (\$4,934,000) is hereby appropriated from the
15 Motor Vehicle Account to the Department of the California
16 Highway Patrol to conduct a pilot project to replace 12 dispatch
17 radio consoles at two California Highway Patrol communication
18 centers.

19 SEC. 10. This act is a bill providing for appropriations related
20 to the Budget Bill within the meaning of subdivision (e) of Section
21 12 of Article IV of the California Constitution, has been identified
22 as related to the budget in the Budget Bill, and shall take effect
23 immediately.

24 ~~SECTION 1. It is the intent of the Legislature to enact statutory~~
25 ~~changes relating to the Budget Act of 2014.~~